

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-44 are presently active in this case. Claims 21, 22, 24, 26-31, 34, and 36-38 have been withdrawn from consideration. Claims 21, 22, 32, 35, and 36 have been amended and Claims 39-42 have been added by way of the present Amendment. New Claims 39-44 are directed to the elected invention. Care has been taken such that no new matter has been entered. (See, e.g., page 5, lines 17-20, page 6, line 4, through page 8, line 11, and original Claim 1.)

Claims 23, 25, 32, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ali-Vehmas et al. (U.S. Patent No. 6,035,189) in view of Morrill, Jr. (U.S. Patent No. 5,991,749) and further in view of Sehr (U.S. Patent No. 6,999,936). For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations.

Claim 32 of the present application recites a method for selling products comprising, among other features, storing multiple offers from multiple vendors in a sales module, an offer including an identification of a specified product being offered for sale, an identification of a vendor of the specified product, and a quantity information indicating a limited available number of the specified product; transmitting via a transmission channel an offer to the plurality of participants; receiving an order data in the sales module from a participant, the order data including a request for a product of the specified products and an identification of the participant; confirming by the sales module that the limited available number of the specified products is greater than zero; generating by the sales module, based on the confirming, a token as an unambiguous certificate exchangeable for the product of the specified products being offered for sale; and adjusting the quantity information in the sales module based on the token.

The method recited in Claim 32 is believed to be distinguishable over the cited references, either when taken singularly or in combination. The method recites an invention in which a sales module is functioning as a central entity between a plurality of vendors of products and a plurality of participants that may potentially be interested in purchasing the products. The sales module allows for the storage of multiple offers from multiple vendors that want to transmit via a transmission channel offers for specified products to participants of a mobile radio network. The sales module not only stores such offers, but also receives order data from participants, confirms availability, generates a token, transmits the token to the vendor and the participant, and adjusts quantity information regarding the products being

offered for sale based on the token. The Applicant submits that a method using such a sales module is not disclosed or even suggested by the cited references, when those references are taken singularly or in combination.

The Ali-Vehmas et al. reference does not disclose or suggest a method in which a sales module stores multiple offers from multiple vendors, transmits via a transmission channel the offers for specified products to participants of a mobile radio network, receives order data from participants, confirms availability, generates a token, transmits the token to the vendor and the participant, and adjusts quantity information regarding the products being offered for sale based on the token. The Ali-Vehmas et al. reference describes a system that includes a switching center (1) of a telecommunication network that most closely relates to the sales module of the present invention. The system of the Ali-Vehmas et al. reference also includes a service provider (5) that programs service functions in the switching center (1) and delivers to a user a program that is loaded in the user's terminal (3). The program is delivered to the user by loading it in an intelligent card (6) controlling the operation of the terminal. The Ali-Vehmas et al. reference describes in column 5, line 12, through column 6, line 4, that the user can then search through various menus or listings from the loaded program, and then request information from the switching center in order to find a movie the user is interested in, and then the user presses a function key to reserve tickets for the show selected.

However, the Ali-Vehmas et al. reference does not appear to store and transmit multiple offers from multiple vendors to a plurality of participants as recited. The Applicant

notes that Ali-Vehmas et al. reference mentions sending a message to a user (see, e.g., column 6, line 67, through column 7, line 6) and an interaction with that user, but does not appear to disclose storing offers from multiple vendors on a sales module and transmitting the offer to a plurality of participants in the manner recited. Furthermore, the Ali-Vehmas et al. reference clearly does not utilize the switching center (1) to receive order data from participants, confirm availability, generate a token, transmit the token to the vendor and the participant, or adjust quantity information regarding the products being offered for sale based on the token. The Ali-Vehmas et al. reference indicates that the user's phone automatically makes the reservation by calling the vendor (the theatre, in this case) directly, or the user calls the vendor to make the reservation. (See, e.g., column 5, line 59, through column 6, line 4.) Thus, in the example provided in the Ali-Vehmas et al. reference, the switching center (1) does not receive order data from participants, confirm availability, generate a token, transmit the token to the vendor and the participant, or adjust quantity information regarding the products being offered for sale based on the token.

Additionally, the Applicant submits that the secondary reference, namely the Morrill, Jr. reference fails to supplement the above noted deficiencies in the teachings of the Ali-Vehmas et al. reference. In fact, at the outset, the Applicant submits that the Morrill, Jr. reference is not related to the present invention, but rather is specific to a method in which a communication device is used to perform a monetary transaction between a buyer's account and a seller's account.

The Morrill, Jr. reference also does not appear to store and transmit multiple offers from multiple vendors to a plurality of participants as recited. The Applicant notes that the Morrill, Jr. reference describes a system that uses a phone service provider's CPU to perform a transaction, but does not appear to disclose storing offers from multiple vendors on a sales module and transmitting the offer to a plurality of participants in the manner recited. Furthermore, the Morrill, Jr. reference clearly does not utilize the CPU to receive order data from participants, confirm availability, generate a token, transmit the token to the vendor and the participant, or adjust quantity information regarding the products being offered for sale based on the token. The Morrill, Jr. reference describes a system in which when a transaction is performed, a confirmation/authorization number/message is displayed, and the user has the ability to request such information be sent to the seller. As argued previously, while the user receives a confirmation/authorization number/message, which includes a monetary amount credited to the user by the food vendor, this confirmation is not a token as an unambiguous certificate exchangeable for a product of specified products being offered for sale, but rather the user is merely credited with a monetary amount that is not in any way tied to the product for which it is being used in exchange for. Furthermore, the CPU does not confirm availability of the product offered for sale, or adjust quantity information regarding the products offered for sale based on the token. No such teaching is present in the Morrill, Jr. reference and/or the Ali-Vehmas et al. reference, either when taken singularly or in combination.

Furthermore, the Applicant submits that the tertiary reference, namely the Sehr reference fails to supplement the above noted deficiencies in the combined teachings of the Ali-Vehmas et al. reference and the Morrill, Jr. reference.

The Sehr reference also does not appear to disclose storing multiple offers from multiple vendors on a sales module and transmitting the offer to a plurality of participants in the manner recited. The Official Action cites column 8, lines 30-60, of the Sehr reference for the teaching of adjusting quantity information in a sales module. This portion of the Sehr reference discusses a seating map (101) that communicates with remote ticket or admission centers in real-time, manages the allocation and availability of seats for a particular event, and allows the visitor to select the seating arrangements and related admission rights for that particular event. Thus, the seating map (101) is merely displaying real-time information regarding availability from remote ticket center, and thereby acting as a relay. The seating map (101) does not store offer information or act as a central entity by confirming availability based on information stored therein, nor does the seating chart (101) adjust quantity information stored therein regarding the products being offered for sale based on a token generated. The seating chart (101) is merely relaying information, rather than storing information, using such stored information for confirmation, and adjusting such stored information. The Applicant notes that the Sehr reference mentions having sponsors promoting products to visitors by storing information on a card (see, e.g., column 38, lines 6-16), but does not appear to disclose storing multiple offers from multiple vendors *on a sales module and transmitting the offer* to a plurality of participants in the manner recited.

Thus, the Ali-Vehmas et al. reference, the Morrill, Jr. reference, and the Sehr reference, either when taken singularly *or in combination*, fail to disclose all of the limitations recited in independent Claim 32 of the present application. Accordingly, for at least these reasons, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 32.

The claims that depend from Claim 32 are considered allowable for the reasons advanced for Claim 32. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 32.

Newly added independent Claim 39 recites a method that is also distinguishable over the cited art. For example, Claim 39 advantageously recites a method for selling products comprising, among other features, receiving an offer for sale of one or more products initiated by a vendor, the offer including an identification of the one or more products and an identification of the vendor; storing, in a sales module, the offer and quantity information indicating an available number of the one or more products; transmitting the offer based on the initiation thereof by the vendor via a transmission channel to a plurality of participants of a mobile communication network using established transmission criteria; receiving an order, at the sales module, from a participant of the plurality of participants in response to the transmitting of the offer; confirming, at the sales module, that the available number is greater than zero; upon confirmation that the available number is greater than zero, generating a token as an unambiguous certificate exchangeable for the product; and adjusting the available

number in the sales module based on the token. Accordingly, the Applicant requests the allowance of independent Claim 39 and the claims that depend therefrom.

Newly added independent Claim 42 recites a method that is also distinguishable over the cited art. For example, Claim 42 advantageously recites a system for selling products comprising, among other features, a network configured to send data to and receive data from a plurality of participants using established transmission criteria for the participants; and a sales module configured to receive and store an offer for sale of one or more products initiated by a vendor, the offer including an identification of the one or more products and an identification of the vendor, said sales module being configured to receive and store quantity information indicating an available number of the one or more products offered for sale, wherein said network is configured to transmit via a transmission channel the offer based on the initiation thereof by the vendor to the plurality of participants using the established transmission criteria, wherein said sales module is configured to receive an order for a product of the one or more products from a participant of the plurality of participants in response to the transmission of the offer, the order including a request for the product and an identification of the participant, wherein said sales module is configured to confirm that the available number is greater than zero, and then generate a token as an unambiguous certificate exchangeable for the product, and wherein said sales module is configured to adjust the available number stored therein based on the token. Accordingly, the Applicant requests the allowance of independent Claim 42 and the claims that depend therefrom.

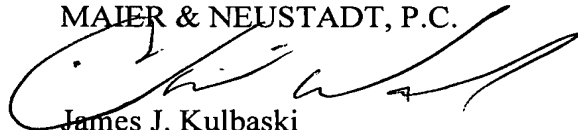


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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



James J. Kulbaski  
Registration No. 34,648  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

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